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## CIVIL SERVICE SUPPLEMENTAL RETIREMENT SYSTEM ACT

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OF 1985

AMENDMENT NO. \_\_\_\_\_

PURPOSE: to amend the Civil Service Retirement Act and the Central Intelligence Agency Retirement Act of 1964 for ~~Certain~~ Employees to provide for administration by the Director of Central Intelligence of all employee retirement systems for Central Intelligence Agency employees, and to establish a new retirement and disability plan for certain employees of the Central Intelligence Agency.

## FIRST:

On page 126: (i) in line 2, change the period to a semicolon, and insert immediately thereafter: "ADMINISTRATION OF THE CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM FOR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY"; and,

(ii) redesignate subparagraph (b) of Section 202 as subparagraph (c), and immediately following line 15, insert the following:

(b) Administration of the Civil Service Retirement and Disability system for employees of the Central Intelligence Agency.

Section 8347 of title 5, United States Code, is further amended by adding at the end thereof the following new subsection (o):

"(o)(1) Notwithstanding any other provision of this subchapter, the Director of Central Intelligence shall--

(A) administer the provisions of this subchapter with respect to officers and employees of the Central Intelligence Agency, and

(B) perform the functions and duties and exercise the authorities which would otherwise be performed and exercised with respect to such officers and employees by the Office of Personnel Management or the Director of such Office under this subchapter.

(2) Section 201 (c) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note) shall apply to determinations by the Director of Central Intelligence under subparagraph (1) of this subsection which, if made by the Office of Personnel Management under chapter 83 of title 5, United States Code, or by the Director of such Office, would be appealable to the Merit Systems Protection Board, to such Office, or to the Director of such Office.

(3) The Director of the Office of Personnel Management

shall furnish such information, funds, and services to the Director of Central Intelligence as the Director of Central Intelligence determines necessary to carry out paragraph (1) of this subsection."

SECOND:

On page 129, redesignate Title IV as Title V, and immediately following Title III, insert the following:

Title IV - Central Intelligence Agency Retirement

References

Sec. 401. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043, 50 U.S.C. 403 note is amended--

(1) in section 111, by striking out "When" and inserting in lieu thereof "Except as otherwise provided in Section 302 of this Act, when;"

(2) by striking out "this Act" each place it appears in title II except in sections 201 and 264, and inserting in lieu thereof "this title"; and

(3) by inserting "under this title" after "payable from the Fund" each place it appears in title II.

CONTRIBUTIONS TO THE CENTRAL INTELLIGENCE AGENCY  
RETIREMENT AND DISABILITY SYSTEM

Sec. 402. Section 211 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1045: 50 U.S.C. 403 note) is amended-

(1) by inserting "Except as provided in subsection (d)"  
"before 7 percent" in the first sentence of subsection (a) and

(2) by adding at the end thereof the following new  
subsection (d):

"(d)(1) In the case of a participant who was a participant  
subject to this Act before January 1, 1984, and whose service-

(A) is employment for the purposes of title II of the  
Social Security Act and chapter 21 of the Internal Revenue Code  
of 1954, and

(B) is not creditable service for any purpose under title  
III of this Act or chapter 84 of title 5, United States Code.  
there shall be deducted and withheld from the basic pay of the  
participant under this subsection during any pay period only  
the amount computed pursuant to paragraph (2).

(2) The amount deducted and withheld from the basic pay of  
a participant during any pay period pursuant to paragraph (1)  
shall be the excess of -

(A) the amount determined by multiplying the percent  
applicable to the participant under subsection (a) by the basic  
pay payable to the participant for such pay period over

(B) the amount of the taxes deducted and withheld from such basic pay under section 3101(a) of the Internal Revenue Code of 1954 for such pay period."

OFFSET OF ANNUITY BY THE AMOUNT OF SOCIAL SECURITY BENEFITS

Sec. 403. Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1045; 50 U.S.C. 403 note) is amended by adding at the end thereof the following new subsection:

"(p)(1) Effective on the first day of the month in which an annuitant, including a survivor, becomes 62 years of age, the annuity computed under the other subsections of this section and payable to the annuitant shall be reduced (but not below zero) by the amount determined by multiplying the amount of the old age and survivors insurance benefits which the annuitant is entitled to receive under section 202 of the Social Security Act for the such month, if any, by a fraction-

(A) the numerator of which is the total of the wages (within the meaning of section 209 of the Social Security Act) for service which is referred to in paragraph (2) of this subsection for years before the calendar year in which such month occurs, and

(B) the denominator of which is the total of all wages (within the meaning of section 209 of the Social Security Act) and all self-employment income (within the meaning of section 211(b) of the Social Security Act)-

(i) of such annuitant or  
(ii) in the case of a survivor, of the participant on whose service the annuity is based, credited for years after 1936 and before the calendar year in which such month occurs.

(2) The service referred to in paragraph (1)(A) of this subsection is service which is covered by amounts deducted and withheld as provided in section 211(d), is service described in subparagraphs (C) through (G) of section 210(a)(5) of the Social Security Act, and is taken into account for the purpose of computing the annuity to which paragraph (1) of this subsection applies."

#### TREATMENT OF CERTAIN RECALL SERVICE

Sec. 404. Section 271 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1052; 50 U.S.C. 403 note) is amended by adding at the end thereof the following new subsection:

"(c) Subsection (b) shall not apply to an annuitant who becomes subject to title III of this Act by reason of recall service."

CONFORMITY BETWEEN THE CIVIL SERVICE SUPPLEMENTAL RETIREMENT  
SYSTEM AND THE CENTRAL INTELLIGENCE AGENCY  
PENSION SYSTEM

Sec. 405. Section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new subsection:

"(c) The President shall maintain under the same conditions and in the same manner as provided in subsections (a) and (b) existing conformity between the Civil Service Supplemental Retirement System provided in chapter 84 of title 5, United States Code, and the Central Intelligence Agency Pension System provided in title III of this Act.

CENTRAL INTELLIGENCE AGENCY PENSION SYSTEM

Sec. 406. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note) is amended by adding at the end thereof the following: